

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH HOFFMAN,

Plaintiff

V.

JOHN E. POTTER, POSTMASTER GENERAL,
UNITED STATES POSTAL SERVICE,

Defendant

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: CIVIL ACTION NO. 02-3678

ORDER

AND NOW on this _____ day of _____, 2003, upon consideration of the Parties Joint Motion a Fifty-Two Day Continuance of the August 11, 2003 Trial Date and for good cause shown, it is hereby ORDERED that the Motion is GRANTED. The parties pretrial memoranda are due on or before September 26, 2003, and the trial date is set for October 1, 2003.

BY THE COURT:

THE HONORABLE THOMAS N. O'NEILL, JR.
UNITED STATES DISTRICT COURT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH HOFFMAN,	:
	:
Plaintiff	:
	:
v.	: CIVIL ACTION NO. 02-3678
	:
JOHN E. POTTER, POSTMASTER GENERAL,	:
UNITED STATES POSTAL SERVICE,	:
	:
Defendant	:

THE PARTIES' JOINT MOTION FOR A FIFTY-TWO DAY
CONTINUANCE OF THE AUGUST 11, 2003 TRIAL DATE

The parties respectfully request the Court to grant a fifty two day continuance of the August 11, 2003 trial date. The parties seek to submit pretrial memorandum to the Court on or before September 26, 2003 and to set trial on or after October 1, 2003.

The background on this matter is as follows. On August 12, 2002, the defendant moved to dismiss the original complaint of plaintiff for, inter alia, failure to comply with Federal Rule of Civil Procedure 8(a). The Court ordered that counsel be appointed to represent plaintiff, and that an amended complaint be filed. On December 13, 2002, an amended complaint was filed, and on February 11, 2003, the defendant answered the complaint. On March 12, 2003, the defendant served its initial disclosures, and on April 1, 2003, it served interrogatories and document production requests. Documents responsive to these written discovery requests arrived as late as July 8, 2003, and the parties are reviewing them to prepare for depositions. Depositions have been scheduled for five witnesses in this matter for August 20, 2003, September 10, 2003, and September 11, 2003.

The parties anticipate no other discovery activities at this time and will be prepared to file its pretrial memorandums on or before September 26, 2003.

Moreover, counsel for the plaintiff has a pre-paid vacation planned for August 4, 2003. When he returns, he will be unavailable due to a surgery scheduled for his wife. This is the first request for a continuance of the trial date that the parties have submitted and they respectfully submits that there is good cause to grant this motion.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

VIRGINIA A. GIBSON
Assistant United States Attorney
Chief, Civil Division

NURIYE C. UYGUR
Assistant United States Attorney

Counsel for Defendant

Of Counsel:

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Philadelphia, PA 19102

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, Nuriye C. Uygur, hereby certify that on the 30th day of July, 2003, I caused a copy of the foregoing Joint Motion to be served by first class mail, postage prepaid upon:

Harold M. Goldner, Esquire
1420 Walnut Street, Suite 1500
Philadelphia, PA 19102

Attorney for Plaintiff

NURIYE C. UYGUR
Assistant United States Attorney